

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

AARON MARKS,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-07-1142-C
)	
RANDAL WORKMAN,)	
)	
Respondent.)	

ORDER

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Bana Roberts, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Roberts entered a Report and Recommendation on September 8, 2009, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. The only new matter raised in Petitioner's Objection is that the prosecutor knowingly elicited perjured testimony to obtain a conviction. This objection is without merit, because it is raised for the first time in his Objection. See United States v. Garfinkle, 261 F.3d 1030, 1031 (10th Cir. 2001). Additionally, there is absolutely no support in the record or in Petitioner's allegations for his conclusion that any testimony was false or perjured. Petitioner apparently is, for the

first time, making a leap from the inconsistencies he has argued throughout his post-conviction pleadings to perjury. His unsupported allegation is not enough.

Beyond this, Petitioner merely restates the conclusions and legal argument originally asserted, asserts nothing which was not fully considered and correctly rejected by the Magistrate Judge, and no argument of fact or law is set forth in the objection which would require a different result.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, denies this petition for habeas corpus relief. A judgment will enter accordingly.

IT IS SO ORDERED this 30th day of October, 2009.



ROBIN J. CAUTHRON
United States District Judge